

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT EGGART, individually and
on behalf of himself and all
other Washington residents and
entities similarly situated,

Plaintiff,

v.

"A.L.S. ENTERPRISES, INC., et
al.,

Defendants.

No. CV-09-0107-FVS

ORDER

THIS MATTER came before the Court on Defendants' unopposed motion to stay all currently pending deadlines in this action until after a decision by the Joint Panel on Multidistrict Litigation ("JPML") on the pending motions seeking transfer to a single federal court of all related cases filed in federal courts nationwide. (Ct. Rec. 30). Plaintiff is represented by Anthony Darrow Shapiro. Defendants A.L.S. Enterprises Inc., Cabela's Wholesale Inc., Gander Mountain Co., and Bass Pro Shops Inc. are represented by Andrew G. Yates and Gwendolyn Cecilia Payton. Defendant Browning Inc. is represented by Molly A. Malouf.

BACKGROUND

On April 9, 2009, Plaintiff filed the instant class action against Defendants alleging claims for violation of Washington's Consumer Protection Act, unjust enrichment and civil conspiracy. (Ct. Rec. 1). Multiple actions alleging similar claims have been

1 filed in other district courts around the country, and all plaintiffs
2 in these cases are represented by the same lead counsel who also
3 represents Plaintiff in this case.

4 On March 28, 2009, Plaintiffs in these actions filed a motion
5 before the JPML seeking transfer for coordination or consolidation to
6 the United States District Court for the Eastern District of
7 Wisconsin pursuant to 28 U.S.C. § 1407(a). Plaintiffs' motion was
8 scheduled for hearing by the JPML on May 28, 2009. In light of the
9 pending transfer motion, Defendants request that the Court stay this
10 action pending the JPML's decision. (Ct. Rec. 30). Defendants
11 assert that the granting of a stay for a short period of time to
12 permit the JPML to rule would impose no prejudice on Plaintiff, and,
13 because this Court may lose jurisdiction over this case if the JPML
14 ultimately determines that a transfer is warranted, a stay achieves
15 the purposes of 28 U.S.C. § 1407 - - the promotion of the just and
16 efficient administration of litigation. (Ct. Rec. 31). Plaintiff
17 does not oppose Defendants' motion to stay this action.

18 **RULING**

19 Granting a brief stay, pending the JPML's decision, will not
20 result in prejudice to Plaintiff and will further the policies of
21 judicial economy, efficiency and consistency. A stay ensures that
22 there is consistent treatment of numerous lawsuits and that judicial
23 resources are not wasted. Therefore, the Court finds that good cause
24 exists for granting a stay of this action pending a decision by the
25 JPML regarding a transfer to the United States District Court for the
26 Eastern District of Wisconsin pursuant to 28 U.S.C. § 1407(a).

1 Accordingly, **IT IS HEREBY ORDERED** as follows:

2 1. Defendants' motion to stay (**Ct. Rec. 30**) is **GRANTED**.

3 2. This action, including Defendants' pending motion to dismiss
4 (**Ct. Rec. 9**), is **STAYED** pending a decision by the JPML.

5 3. The June 24, 2009, hearing date on the pending motion to
6 dismiss is **VACATED**.

7 4. The parties shall keep this Court apprised of the JPML
8 proceedings, and, based upon what transpires, Defendants may re-
9 notice their motion, if necessary.

10 **IT IS SO ORDERED.** The District Court Executive is hereby
11 directed to enter this order and furnish copies to counsel.

12 **DATED** this 2nd day of June, 2009.

13 S/Fred Van Sickle

14 Fred Van Sickle
15 Senior United States District Judge
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